



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 13, 2013

BY EMAIL (ForrestNYSDChambers@nysd.uscourts.gov)

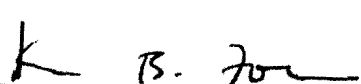
The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **SEP 16 2013**

**Re: In Re: 650 Fifth Avenue and Related Properties,
08 Civ. 10934 (KBF)**

Dear Judge Forrest:

The Government respectfully submits this letter pursuant to the Court's Memorandum Decision & Order of September 4, 2013. *See* 09/04/2013 Order (D.E. 796) ("September 4th Order"). The Government respectfully encloses a license issued today by the United States Department of Treasury, Office of Foreign Assets Control ("OFAC"). This OFAC license is necessary for Assa Corp. and Assa Co. Limited (collectively, "Assa") to facilitate the payments of attorney's fees, costs, and expenses, pursuant to the Court's September 4th Order granting Rule 37 sanctions against Assa. This OFAC license is also necessary for the named licensees to receive any payments from Assa.

ORDERED
Post on Docket 9/16/13

Katherine B. Forrest, USDJ

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

By: /s/ Anand Sithian
Sharon Cohen Levin
Michael D. Lockard
Martin S. Bell
Carolina A. Fornos
Assistant United States Attorneys
Anand Sithian
Special Assistant United States Attorney
(212) 637-1060/2193/2463/2740/1085

Encl.

cc: Counsel of Record (via ECF, without attachment)
Counsel for the Alavi Foundation and
650 Fifth Avenue Company (via e-mail, with attachment)
Counsel for the Greenbaum, Acosta, Beer and Kirschenbaum
Judgment Creditors (via e-mail, with attachment)
Counsel for Assa Corp. and Assa Co. Limited (via e-mail, with attachment)



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

LICENSE No. NPW-2013-304639-1

Weapons of Mass Destruction Proliferators Sanctions Regulations

LICENSE

(Granted under the authority of 50 U.S.C. §§ 1701 *et seq.*, 50 U.S.C. §§ 1601 *et seq.*, 31 C.F.R. Parts 501 and 544)

To: United States District Court
Southern District of New York
500 Pearl Street, Room 1950
New York, NY 10007-1312
Attn: The Honorable Katherine B. Forrest,
United States District Judge

Greenbaum, Acosta, Beer, and
Kirschenbaum judgment creditors
c/o Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038-4982
Attn: James L. Bernard, Esq.

The Alavi Foundation and
650 Fifth Avenue Company
c/o Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
Attn: Daniel S. Ruzumna, Esq.

Assa Corp. and Assa Co. Limited
c/o Rosen Livingston & Cholst LLP
275 Madison Ave., Suite 500
New York, NY 10016
Attn: Peter I. Livingston, Esq.

U.S. Government
c/o United States Attorney's Office
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
Attn: Sharon Cohen Levin, Esq.

Assa Corp. and Assa Co. Limited
c/o Jaffe & Asher LLP
600 Third Avenue
New York, NY 10016
Attn: Donald F. Luke, Esq.

1. Based on a September 4, 2013 Memorandum Decision & Order of the United States District Court for the Southern District of New York and information otherwise available to the Office of Foreign Assets Control (the "Application"), the transactions and activities delineated herein are hereby authorized.

2. This License is granted upon the statements and representations made in the Application or otherwise filed with or made to the Treasury Department as a supplement to the Application, or is based on information otherwise available to the Treasury Department, and is subject to the condition, among others, that the Licensee will comply in all respects with all regulations, rulings, orders, and instructions issued by the Secretary of the Treasury under the authority section 203 of the International Emergency Economic Powers Act (50 U.S.C. § 1702), the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*), and the terms of this License.

3. The Licensee(s) shall furnish and make available for inspection any relevant information, records or reports requested by the Secretary of the Treasury, or any other duly authorized officer or agency.

4. This License expires on September 30, 2015, or upon completion of the authorized activities, whichever occurs first, and is not transferable. This License is subject to the provisions of Executive Order 13382, 31 C.F.R. Parts 501 and 544, and any regulations and rulings issued pursuant thereto. It may be revoked or modified at any time at the discretion of the Secretary of the Treasury. If this License was issued as a result of willful misrepresentation on the part of the applicant, it may, at the discretion of the Secretary of the Treasury, be declared void from the date of its issuance or from any other date.

5. This License does not excuse compliance with any law or regulation administered by the Office of Foreign Assets Control or another agency (including reporting requirements) applicable to the transaction(s) herein licensed, nor does it release Licensee(s) or third parties from civil or criminal liability for violation of any law or regulation.

Issued on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

By

Andrea Gacki
Assistant Director for Licensing

Sept. 13, 2013

Date

Attention is directed to, *inter alia*, 18 U.S.C. § 1001, 50 U.S.C. § 1705, and 31 C.F.R. § 544.701 for provisions relating to penalties.

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SECTION 1 – AUTHORIZATION: (a) Subject to the terms and conditions stated herein, the U.S. Government; the Alavi Foundation and 650 Fifth Avenue Company and their attorneys Patterson Belknap Webb & Tyler LLP; and the Greenbaum, Acosta, Beer, and Kirschenbaum judgment creditors and their attorneys Stroock & Stroock & Lavan LLP (collectively, the “Licensees”) are hereby authorized to receive payment from Assa Corp. and Assa Co. Limited (collectively, “Assa”), which have been designated pursuant to Executive Order 13382 of June 28, 2005, “Blocking of Property of Weapons of Mass Destruction Proliferators and Their Supporters,” for fees and costs pursuant to Rule 37 sanctions, as ordered by the Honorable Katherine B. Forrest, United States District Judge, and described in the September 4, 2013 Court Order from the United States District Court for the Southern District of New York; and

(b) Assa’s attorneys, Rosen, Livingston & Cholst LLP and Jaffe & Asher LLP, are authorized as needed to facilitate the payments authorized in **SECTION 1(a)** to the Licensees.

SECTION 2 – CONDITION: Payments to the Licensee of fees and costs authorized by this License must not originate from a source within the United States, or from any source outside the United States within the possession or control of a U.S. person, or from any person, other than Assa, whose property or interests in property are blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R. unless such a person is blocked solely pursuant to Executive Order 13599 (“Blocking Property of the Government of Iran and Iranian Financial Institutions”).

SECTION 3 – WARNINGS: (a) Except as authorized in **SECTION 1** of this License, nothing in this License authorizes transactions prohibited by the Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 C.F.R. Part 544 (“WMDPSR”), or by any other laws or regulations administered by the Office of Foreign Assets Control (including transactions prohibited by the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560). For example, U.S. persons are generally prohibited from engaging in any transactions directly or indirectly involving Iranian banks designated pursuant to WMDPSR as well as the Global Terrorism Sanctions Regulations, 31 C.F.R. Part 594 (“GTSR”). Iranian financial institutions designated pursuant to the WMDPSR include Ansar Bank, Bank of Industry and Mine, Bank Mellat, Bank Melli, Bank Refah, Bank Sepah, Bank Tejarat, Europaisch-Iranische Handelsbank, Export Development Bank of Iran, Future Bank B.S.C., Kargoshaee Bank, Mehr Bank, or Post Bank of Iran. Pursuant to the GTSR, U.S. persons are prohibited from engaging in any transactions directly or indirectly involving Bank Saderat.

(b) The authorization set forth in this License applies only to laws and regulations administered by the Office of Foreign Assets Control, and should not be interpreted to excuse the Licensee from compliance with other laws, regulations, orders or rulings to which it may be subject.

(c) Except as authorized in **SECTIONS 1 and 2**, this License does not authorize the transfer of funds or other property, directly or indirectly, to any entity or individual whose property or interests in property are blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R.

(d) This License does not authorize any transactions that occurred prior to the date of its issuance.

(e) Any transfer of funds through the U.S. financial system pursuant to the authorization set forth in **SECTION 1** hereof should reference the number of this License to avoid rejection of the transfer.

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SECTION 4 – REPORTING REQUIREMENTS: (a) The Licensees are subject to the recordkeeping and reporting requirements of, *inter alia*, 31 C.F.R. §§ 501.601 and 501.602, including the requirement to maintain full and accurate records concerning the transactions undertaken pursuant to this License for a period of five years from the date of each transaction.

(b) See 31 C.F.R. § 501.605 for additional requirements regarding reports to OFAC, courts, and other adjudicators on litigation, arbitrations, and dispute resolution proceedings.

SECTION 5 – PRECEDENTIAL EFFECT: The authorization contained in this License is limited to the facts and circumstances specific to the Application.
